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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/661,273
Filing Date: September 13, 2000
Appellant(s): CAIN ET AL.

Nortel Network Limited
Holmes W. Anderson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 26, 2009 appealing from the Office action mailed December 10, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,748,736	MITTRA	5-1998
6,621,793	WIDEGREN et al.	9-2003
6,230,205	GARRITY et al.	5-2001

2002/0066033

DOBBINS et al.

5-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-5, 7-8, 10-18, 20-21, 24-28, 30-31, 34-38, 40-41, 44-48, 50-51, and 54-55 are rejected under 35 U.S.C. §103 (a) as being unpatentable over **Mittra** U.S. Patent No. **5,748,736**, in view of **Widegren et al.**, (hereinafter Widegren) U.S. Patent No. **6,621,793**.

2. As to claim 1, **Mittra** teaches the invention as claimed, including an access control method for an internet television system where each television channel is carried over a different multicast group, and subscribers join a particular multicast group in order to receive a particular channel, the access control method comprising:

distributing multicast group information from a distribution device to a plurality of access devices for use by the access devices in authenticating a subsequent requests by individual host device to join a television channel multicast group in order to reduce delay in authentication when a host device changes television channels, wherein each access device is logically closer to the host device from which the access device receives the request than the distribution device (abstract, col. 3, line 49-col. 4, line 19, col. 12, line 30-col. 13, line 36, col. 14, lines 1-19);

receiving, by one of the access devices, a subsequent request by one of the host devices to join the television channel multicast group in order to change television channels (col. 13, lines 37-56);

determining, by the access device, whether the host device is authorized to join the television channel multicast group, and receive a particular television channel, based upon the access control information distributed from the distribution device (col. 12, line 30-col. 13, line 56); and

admitting, by the access device, the host device to the television channel multicast group if and only if the host device is determined to be authorized to join the television channel multicast group (abstract, col. 12, line 30-col. 13, line 56);

However, **Mitra** does not explicitly teach distributing access control information from a distribution device to a plurality of access devices for use by the access devices in authenticating a subsequent requests by individual host device and whereby the access device receives the access control information before it is needed for determining whether the host device is authorized to join the multicast group, thereby reducing authentication delay.

Widegren teaches the feature of distributing access control information from a distribution device to a plurality of access devices for use by the access devices in authenticating a subsequent requests by individual host device and whereby the access device receives the access control information before it is needed for determining whether the host device is authorized to join the multicast group, thereby reducing authentication delay (col. 11, line 33-col. 12, line 24, col. 13, line 52-col. 14, line 4, col.

15, line 30-col. 16, line 58 *-the policy control filtering data being pushed and pre-authorized before the client request by the policy server (i.e., distribution device) to gateway GPRS support node (GGSN) (i.e., access device) for authenticating client requested).*

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Mitra and Widegren** to include the feature distributing access control information from a distribution device to a plurality of access devices for authenticating a subsequent requests by individual host device because it would have provided a better filtering and gating control of client request resource using policy mechanism.

3. As to claim 2, **Mitra** teaches the invention substantially as claimed, wherein distributing the access control information from the distribution device to the access device comprises: pushing the access control information from the distribution device to the access control device using a predetermined push mechanism (col. 12, line 30-col.13, line 56).

4. As to claim 3, **Mitra** teaches the invention substantially as claimed, wherein the predetermined push mechanism comprises a reliable multicast mechanism (col.12, line 30-59).

5. As to claim 4, **Mitra** teaches the invention substantially as claimed, wherein pushing the access control information from the distribution device to the access control device using the predetermined push mechanism comprises: joining a predetermined multicast group by the access device; sending the access control information to the predetermined multicast group by the distribution device using the reliable multicast receiving the access control information by the access device from the multicast group using the reliable multicast mechanism (col. 12, line 30-col. 13, line 56, col. 14, line 1-48).

6. As to claim 5, **Mitra** teaches the invention as claimed, wherein the predetermined push mechanism comprises a policy service (abstract, col. 14, line 50-col. 15, line 4).

7. As to claim 7, **Mitra** teaches the invention substantially as claimed, wherein pushing the access control information from the distribution device to the access control device using a predetermined push mechanism comprises: sending the access control information from the distribution device to the access device ().

8. As to claim 8, **Mitra** teaches the invention substantially as claimed, wherein the predetermined push mechanism comprises a management mechanism (abstract, col. 4, lines 38-44, col. 7, lines 26-44).

9. As to claim 11, **Mittra** teaches the invention substantially as claimed, wherein pushing the access control information from the distribution device to the access control device using a predetermined push mechanism comprises: sending the access control information from the distribution device to the access device in the form of management information using the management mechanism (abstract, col. 4, lines 38-44, col. 7, lines 26-44).

10. As to claim 12, **Mittra** teaches the invention substantially as claimed, wherein determining whether the host device is authorized to join the television channel multicast group comprises: authenticating the host device based upon the access control information (col. 12, line 30-col. 13, line 56).

11. As to claim 13, **Mittra** teaches the invention substantially as claimed, wherein admitting the host device to the television channel multicast group comprises: joining the television channel multicast group by the access device using a predetermined multicast routing protocol (abstract, col. 4, lines 20-57).

12. As to claim 14, **Mittra** teaches the invention substantially as claimed, wherein the predetermined multicast routing protocol (col. 12, lines 30-59).

13. As to claim 15, **Mittra** teaches the invention substantially as claimed, including an apparatus for distributing access control information in an internet

television system whereby each television channel is carried over a different multicast group, and subscribers join a particular multicast group in order to receive a particular channel, the apparatus comprising:

maintenance logic and memory operably coupled to maintain multicast group access control information (abstract, col. 7, line 28-col. 9, line 35, col. 12, line 30-col. 13, line 56); and

distribution logic and an interface operably coupled to distribute information to at least one access device in order to reduce delay in authentication when a host device changes television channels, wherein the access device is operable to transmit the channel to the host device and is logically closer to the host device than the apparatus for distributing access control information (abstract, col. 3, line 49-col. 4, col. 12, line 30-col. 13, line 36, col. 14, lines 1-19),

whereby the access device receives the access control information before it is needed for determining whether a host device is authorized to join a multicast group, and receive a particular television channel, and whereby access control information is moved closer to the host device, thereby facilitating changing channels by reducing authentication delay (col. 3, line 49-col. 4, col. 12, line 30-col. 13, line 56).

However, **Mitra** does not explicitly teach distributing access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication.

Widegren teaches the feature of distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce

delay in authentication (col. 11, line 33-col. 12, line 24, col. 13, line 52-col. 14, line 4, col. 15, line 30-col. 16, line 58 -*the policy control filtering data being pushed and pre-authorized before the client request by the policy server (i.e., distribution device) to gateway GPRS support node (GGSN) (i.e., access device) for authenticating client requested).*

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Mitra and Widegren** to include the feature distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication because it would have provided a better filtering and gating control of client request resource using policy mechanism.

14. As to claim 25, **Mitra** teaches the invention as claimed, including a computer program embedded in a tangible storage medium for controlling a computer system for delivering television where each channel is carried over a different multicast group, and subscribers join a particular multicast group in order to receive a particular channel, the computer program comprising:

maintenance logic programmed to maintain multicast group access control information (abstract, col. 7, line 28-col. 9, line 35, col. 12, line 30-col. 13, line 56); and

distribution logic programmed to distribute information to at least one access device in order to reduce delay in authentication when a host device changes television channels, wherein the access device is operable to transmit the channel to the host

device and is logically closer to the host device than the apparatus for distributing access control information (abstract, col. 3, line 49-col. 4, col. 12, line 30-col. 13, line 36, col. 14, lines 1-19),

whereby the access device receives the access control information before it is needed, and whereby access control information is moved closer to the host device, thereby facilitating changing channels by reducing authentication delay (col. 3, line 49-col. 4, col. 12, line 30-col. 13, line 56).

However, **Mitra** does not explicitly teach distributing access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication.

Widegren teaches the feature of distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication (col. 11, line 33-col. 12, line 24, col. 13, line 52-col. 14, line 4, col. 15, line 30-col. 16, line 58 -*the policy control filtering data being pushed and pre-authorized before the client request by the policy server (i.e., distribution device) to gateway GPRS support node (GGSN) (i.e., access device) for authenticating client requested*).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Mitra and Widegren** to include the feature distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce delay in

authentication because it would have provided a better filtering and gating control of client request resource using policy mechanism.

15. As to claim 35, **Mitra** teaches the invention substantially as claimed, including an apparatus for providing receiver access control in an internet television system for delivering television where each channel is carried over a different multicast group, and subscribers join a particular multicast group in order to receive a particular channel at a host device, the apparatus comprising:

distribution logic operably coupled to receive multicast group information from a distribution device in order to reduce delay in authentication when a host device changes television channels (abstract, col. 3, line 49-col. 4, col. 7, line 28-col. 9, line 35, col. 12, line 30-col. 13, line 56);

host interface logic operably coupled to receive a request from a host device to join a television channel multicast group (figure 1-3, col. 13, lines 37-56); and

access control logic operably coupled to determine whether the host device is authorized to join the television channel multicast group based upon the access control information, wherein the apparatus is logically closer to the host device than the distribution device, and whereby access control information is moved closer to the host device, thereby facilitating changing channels by reducing authentication delay (figure 1-3, col. 3, line 49-col. 4, col. 12, line 30-col. 13, line 56).

However, **Mittra** does not explicitly teach distributing access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication.

Widegren teaches the feature of distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication (col. 11, line 33-col. 12, line 24, col. 13, line 52-col. 14, line 4, col. 15, line 30-col. 16, line 58 *-the policy control filtering data being pushed and pre-authorized before the client request by the policy server (i.e., distribution device) to gateway GPRS support node (GGSN) (i.e., access device) for authenticating client requested).*

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Mittra and Widegren** to include the feature distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication because it would have provided a better filtering and gating control of client request resource using policy mechanism.

16. As to claim 45, **Mittra** teaches the invention as claimed, including a computer program embedded in a tangible storage medium for controlling a computer system where each channel is carried over a different multicast group, and subscribers join a particular multicast group in order to receive a particular channel at a host device, the computer program comprising:

distribution logic programmed to receive multicast group information from a distribution device in order to reduce delay in authentication when a host device changes television channels (abstract, col. 3, line 49-col. 4, col. 7, line 28-col. 9, line 35, col. 12, line 30-col. 13, line 56);

host interface logic programmed to receive a request from a host device to join a television channel multicast group (figure 1-3, col. 13, lines 37-56); and

access control logic programmed to determine whether the host device is authorized to join the television channel multicast group based upon the access control information, wherein the host interface logic is executed by a device that is logically closer to the host device than the distribution device, and whereby access control information is moved closer to the host device, thereby facilitating changing channels by reducing authentication delay (figure 1-3, col. 3, line 49-col. 4, col. 12, line 30-col. 13, line 56).

However, **Mitra** does not explicitly teach distributing access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication and whereby the access device receives the access control information before it is needed.

Widegren teaches the feature of distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication and whereby the access device receives the access control information before it is needed (col. 11, line 33-col. 12, line 24, col. 13, line 52-col. 14, line 4, col. 15, line 30-col. 16, line 58 *-the policy control filtering data being pushed and*

pre-authorized before the client request by the policy server (i.e., distribution device) to gateway GPRS support node (GGSN) (i.e., access device) for authenticating client requested).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Mittra and Widegren** to include the feature distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication because it would have provided a better filtering and gating control of client request resource using policy mechanism.

17. As to claim 55, **Mittra** teaches the invention as claimed, including an internet television system for delivering a video signal to a host device for display, comprising:

a distribution device in communication with at least one access device over a communication network, wherein the distribution device distributes multicast group information to the at least one access device in order to reduce delay in authentication when a host device changes television channels (abstract, col. 3, line 49-col. 4, col. 7, line 28-col. 9, line 35, col. 12, line 30-col. 13, line 56), and wherein the at least one access device uses the access control information to control access to at least one television channel multicast group, wherein the access device is logically closer to the host device than the distribution device, and whereby access control information is

moved closer to the host device, thereby facilitating changing channels by reducing authentication delay (figure 1-3, col. 3, line 49-col. 4, col. 12, line 30-col. 13, line 56).

However, **Mittra** does not explicitly teach distributing access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication and whereby the access device receives the access control information before it is needed.

Widegren teaches the feature of distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication and whereby the access device receives the access control information before it is needed (col. 11, line 33-col. 12, line 24, col. 13, line 52-col. 14, line 4, col. 15, line 30-col. 16, line 58 *-the policy control filtering data being pushed and pre-authorized before the client request by the policy server (i.e., distribution device) to gateway GPRS support node (GGSN) (i.e., access device) for authenticating client requested).*

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Mittra and Widegren** to include the feature distribute the access control information to at least one access device using a predetermined push mechanism in order to reduce delay in authentication because it would have provided a better filtering and gating control of client request resource using policy mechanism.

18. As to claim 16-18, 20-21, 24, 26-28, 30-31, 34, 36-38, 40-41, 44, 46-48, 50-51, and 54, they are system and computer program claims directed to distributing access control information in an internet television of method claims 3-4, 8, and 10-11. Claims 16-18, 20-21, 24, 26-28, 30-31, 34, 36-38, 40-41, 44, 46-48, 50-51, and 54, and 54 have similar limitations to claims 3-4, 8, and 10-11; therefore, they are rejected under the same rationale.

19. Claims 10, 23, 33, 43 and 53 are rejected under 35 U.S.C. §103 (a) as being unpatentable over **Mittra** U.S. Patent No. **5,748,736**, in view of **Widegren et al.**, (hereinafter Widegren) U.S. Patent No. **6,621,793**, further in view of **Garrity et al.**, (hereinafter Garrity) U.S. Patent No. **6,230,205**.

20. As to claim 10, **Mittra-Widegren** does not explicitly teach Command Line Interface (CLI). However, **Garrity** teaches wherein the management mechanism comprises a Command Line Interface (CLI) (figure 7, col. 4, lines 33-58, col. 10 lines 29-col. 11, line 56). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Mittra-Widegren and Garrity** to include Command Line Interface because it would provide an improved system for managing transfer of data within a communications system.

21. As to claims 23, 33, 43 and 53, they are system and computer program claims directed to distributing access control information in an internet television of method claim 10. Claims 23, 33, 43 and 53 have similar limitations to claim 10; therefore, they are rejected under the same rationale.

22. Claims 6, 9, 19, 22, 29, 32, 39, 42, 49 and 52 are rejected under 35 U.S.C. §103 (a) as being unpatentable over **Mittra** U.S. Patent No. **5,748,736**, in view of **Widegren et al.**, (hereinafter Widegren) U.S. Patent No. **6,621,793**, further in view of **Dobbins et al.**, (hereinafter Dobbins) U.S. Publication No. **US 2002/0066033**.

23. As to claim 6, **Mittra-Widegren** does not explicitly teach the invention as claimed; however, **Dobbins** teaches wherein the policy service comprises a Common Open Policy Service (COPS) (abstract, paragraph 0021). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Mittra-Widegren and Dobbins** to include a Common Open Policy service because it would have an efficient communications system that can manage and distribute content resources to users based on user's profile or, in other words, based on access control information by using policy service rule.

24. As to claim 9, **Mittra-Widegren** does not explicitly teach the invention as claimed; however, **Dobbins** teaches wherein the management mechanism comprises a Simple Network Management Protocol (SNMP) (figures 1, 11, paragraphs 0009-0010,

0020-0021, 0173). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Mitra-Widegren and Dobbins** to have a SNMP in the management mechanism because it would have an efficient network management to managing complex network and content resources.

25. As to claim 19, 22, 29, 32, 39, 42, 49 and 52, they are system and computer program claims directed to distributing access control information in an internet television of method claims 6 and 9. Claims 19, 22, 29, 32, 39, 42, 49, and 52 have similar limitations to claims 6 and 9; therefore, they are rejected under the same rationale.

(10) Response to Argument

A. Widegren does not qualify as prior art.

Applicant argues that the instant application was filed on September 13, 2000. Widegren was filed on a later date, May 21, 2001. Widegren claims priority to two provisional applications: 60/206,186 filed on May 22, 2000; and 60/246,501 filed on November 6, 2000. The Office has provided no evidence that the cited subject matter is present in the 60/206,186 provisional application. The office cannot reasonably assume that the features for which the reference is cited are not either new matter in the utility

application, or disclosed in the 60/246,501 provisional application which fails to predate this application.

In response to applicant's argument, the examiner asserts that the **60/206,186** provisional application does support the cited feature/subject matter in the Widegren patent No. **6,621,793** (see provisional application **60/206,186**, page 9, IP Policy Control section, and pages 13-16).

B. The cited references fail to teach distributing multicast group access control information from a distribution device to a plurality of access devices for use by the access devices in authenticating subsequent requests by individual host devices to join a television channel multicast group in order to reduce delay in authentication when a host device changes television channels.

Applicant argues that Widegren fails to teach **distributing multicast group access control information** from a distribution device to a plurality of access devices for use by the access devices in authenticating subsequent requests by individual host devices to join a television channel multicast group in order to reduce delay in authentication when a host device changes television channels. Also applicant argues that the Office asserts that the "policy control filtering data" is equivalent to the claimed "multicast group access control information".

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The examiner also asserts that in the previous office action the examiner submitted that Mittra teaches **distributing multicast group access control information** from a distribution device to a plurality of access devices ... wherein each access device is logically closer to the host device from which the access device receives the request that the distribution device as shown in abstract, col. 3, line 49-col. 4, line 19, col. 12, line 30-col. 13, line 36, col. 14, lines 1-19.

However, Mittra does not explicitly teach **distributing access control information** from a distribution device to a plurality of access devices for use by the access devices in authenticating a subsequent requests by individual host device and whereby the access device receives the access control information before it is needed for determining whether the host device is authorized to join the multicast group, thereby reducing authentication delay.

Widegren teaches the feature of **distributing access control information** from a distribution device to a plurality of access devices for use by the access devices in authenticating a subsequent requests by individual host device and whereby the access device receives the access control information before it is needed for determining whether the host device is authorized to join the multicast group, thereby reducing authentication delay (col. 11, line 33-col. 12, line 24, col. 13, line 52-col. 14, line 4, col. 15, line 30-col. 16, line 58 -*the policy control filtering data being pushed and pre-*

authorized before the client request by the policy server (i.e., distribution device) to gateway GPRS support node (GGSN) (i.e., access device) for authenticating client requested).

Conclusion: Since Mittra has already taught a feature of **distributing multicast group access control information** from a distribution device to a plurality of access devices but Mittra does not clearly disclose the access control information is distributed before it is needed for authorization. Thus, Widegren teaches this deficiency by modifying the feature of distributing access control information to access devices before it is needed for authentication as disclosed in Widegren into Mittra system. Therefore, the examiner submits that the "policy control filtering data" is equivalent to the claimed "access control information" as disclosed in Widegren.

Applicant argues that the "policy control filtering data" indicates resource allocation limits relative to QoS, and not whether a particular subscriber is authorized to receive particular data.

In response to applicant's argument, the examiner submits that since Mittra already teaches the feature of maintaining the security of the group by authenticating and authorizing all members of the multicast group in order to receive particular data (see Mittra's abstract). Therefore, in response to applicant's argument regarding Widegren does not teach whether a particular subscriber is authorized to receive particular data. The examiner concludes that applicant's arguments against the references individually, one cannot show nonobviousness by attacking references

individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

C. The “Response to Arguments” in the Final Office Action misinterprets both Widegren and the law.

Applicant argues that the examiner misinterprets both the Widegren reference and the law in the Final Office Action's response to arguments.

In response to applicant's argument, the examiner believes that the responses above fully discussed about this matter. Since the Applicant Arguments/Remarks filed on September 22, 2008 argued similar matters as above.

Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 15, 25, 35, 45 and 55. Claims 2-14, 16-24, 26-34, 36-44 and 46-54 are also rejected at least by virtue of their dependency on independent claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/THUHA T. NGUYEN/

Primary Examiner, Art Unit 2453

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/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457

/Khanh Q Dinh/

Primary Examiner, Art Unit 2451